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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY
WASHINGTON, D. C.

INSTRUCTIONS RELATING TO ASSIGNMENTS AND
USE OF FORM ACP-69

(Pursuant to section 8 (g) of the Soil Conservation and Domestic
Allotment Act)

I. PURPOSE AND SCOPE OF ASSIGNMENTS

A. To finance making a crop.—A payment which may be made to a farmer (hereinafter referred to as the "assignor") under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, may be assigned only as security for cash or advances to finance making a crop. To finance making a crop means (1) to finance the planting, cultivating, or harvesting of a crop, including the purchase of equipment required therefor; (2) to provide food, clothing, and other necessities required by the assignor or persons dependent upon the assignor for the purpose of making a crop; or (3) to finance the carrying-out of soil-building or range-building practices. Nothing contained herein shall be construed to authorize an assignment given to secure the payment of the whole or any part of the purchase price of a farm or the payment of the whole or any part of a cash or fixed commodity rent for a farm.

B. Cash or advances.—An assignment may be given (1) to secure repayment of cash advanced to the assignor to cover the cost of supplies or services required by him to make a crop, (2) to secure payment for supplies or services furnished to the assignor to make a crop, or (3) to secure the repayment of cash or the cash value of supplies or services being advanced in successive installments or on the order of the assignor pursuant to a contract or agreement. The amount of the cash or the cash value of the supplies or services must be stated exactly. No assignment shall be recognized by the United States when it is given to secure repayment of an indefinite sum or for the total amount or a part of the total amount of any payment without stating the amount of the cash or the cash value of the supplies or services advanced or being advanced pursuant to the contract or agreement.

C. Without discount.—The payments assigned shall not be discounted, by charging the assignor more than the current cash price for any supplies furnished, by deducting interest in advance from any cash advanced, or in any other manner whatsoever.

D. The current crop year.—The cash, supplies, or services must be advanced to the assignor to finance making a crop during the year current at the time the assignment is made and must not be made to secure or pay any preexisting indebtedness of any nature whatsoever. The assignment shall be effective only with respect to the payments which may be or become due and payable to the as-

signor for participation in the program under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, for the year current at the time the assignment is given. The unpaid balance of any amount advanced in 1 year and secured by an assignment cannot be secured by an assignment of any payments which may become due and payable to the assignor for participation in the program for any subsequent year.

E. The farm.—Each assignment must be limited to the payment which may be made to the assignor with respect to a single farm or a single ranching unit as determined for the purpose of the Agricultural Conservation Program or the Range Conservation Program under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, except, however, that beginning with the 1940 Agricultural Conservation Program where an assignor has an interest in two or more farms in a county in the North Central or Western Region the assignment must relate to the payment which may be made to him with respect to all such farms in the county.

F. Payment to the assignee.—Unless the indebtedness secured by an assignment has been repaid or otherwise discharged prior to the time application for payment is made by the assignor, the amount of the payment to which the assignor is entitled under his application, or an amount equal to the indebtedness, or the amount of the indebtedness which remains unpaid or undischarged, whichever is the smallest, will be paid directly to the assignee: *Provided, however,* That in case payment should happen to be made to the assignor there is no authority of law for any suit against or the imposition of any liability upon the Secretary of Agriculture or any disbursing agent. If payment is made to the assignee and the indebtedness secured by the assignment has been repaid in whole or in part before the payment is received by the assignee, the assignee shall receive the payment in trust to pay over to the assignor, in full and without discount, all of the payment except any amount of the original advance remaining unpaid.

G. Payment to the assignor.—If the indebtedness secured by an assignment has been repaid or otherwise discharged prior to the time application for payment is made by the assignor, payment shall be made to the assignor without regard to such assignment. If the indebtedness secured by an assignment has not been repaid or otherwise discharged prior to the time application for payment is made by the assignor, the amount of the payment to which the assignor is entitled under his application in excess of the amount thereof assigned shall be paid to the assignor.

II. THE ASSIGNOR AND ASSIGNEE

A. The assignor.—Any person, whether a landlord, tenant, or sharecropper, who is eligible for a payment under the Agricultural Conservation Program may assign such payment, except, however, that if such person is a standard rehabilitation client of the Farm Security Administration, or is becoming such a client by virtue of the Farm Security Administration having decided to furnish him cash or supplies for the purpose of making a current crop, he may assign such payment only to the Farm Security Administration. A further assignment by the assignee of a payment assigned to him shall not be recognized by the United States.

B. The assignee.—Any person, including a department or bureau of the Federal Government or corporate governmental agency wholly owned and controlled by the Federal Government, who advances cash, supplies or services to the farmer for the purpose of financing the making of a crop during the year current at the time the assignment is given may be named as assignee, except, however, that if the farmer is a standard rehabilitation client of the Farm Security Administration, or is becoming such a client by virtue of the Farm Security Administration having decided to furnish him cash or supplies for the purpose of making a current crop, the Farm Security Administration is the only person who may be named as assignee. An assignment shall be effective in favor of and binding upon the assignee and the persons entitled by law to receive and administer the personal estate of the assignee in case of his death, incompetency, insolvency, or bankruptcy.

III. EXECUTION OF ASSIGNMENT

A. In writing.—The assignor must execute the original and two copies of Part I, Form ACP-69. Assignments made orally or in writing upon forms other than Form ACP-69 (or ACP-69, Revised June 1941) shall not be recognized by the United States. The term "Form ACP-69" or "Form ACP-69, Revised June 1941", means the official prescribed form bearing that designation and printed for the Agricultural Adjustment Agency.

B. Execution of Part I of Form ACP-69.—1. Part I of Form ACP-69 shall be executed in accordance with the following instructions:

(a) The State and county code and identifying serial number for the farm or ranching unit with respect to which the assignment is made except that in the North Central and Western Regions the State and county code shall be followed by the words "All farms".

(b) The State and county in which the assignor resides.

(c) The typed or printed name of the assignor and his full mail address.

(d) The amount of the cash or the cash value of the supplies or services advanced by the assignee to the assignor or the amount thereof which is being advanced to the assignor pursuant to the contract or agreement between the assignor and the assignee. Whether or not the assignment is to include interest on the amount advanced, the *actual* amount advanced (or the cash value thereof) must be entered in the spaces indicated. Interest may be included in the assignment only at the request of the assignor, and where included, a provision to the following effect must be inserted immediately above the line designated for the name and address of the assignee: "plus interest thereon at the rate of ____ percent per annum from _____, 19__." The rate of interest must not be in excess of the maximum rate chargeable under the law of the State in which the farm is located, and the date will be date on which the advance was made. (If the assignment covers advances made at different times, the date will be the average date with respect to the period of time during which the advances are made.)

(e) The typed or printed name of the assignee and his full mail address.

(f) The place at which the assignment was executed and the date thereof.

2. Part I of ACP-69 shall be signed by the assignor and witnessed by a member of the county or community committee, or by the treasurer or secretary of such committee for the county or community in which the farm or ranching unit is deemed to be located. An assignment made by a natural person other than an absentee landlord shall not be recognized by the United States when made by an agent

of the assignor. An assignment may be executed by a duly authorized officer of a corporation, firm, association, or other legal entity, or by the agent of a non-resident landlord, or by a member of a partnership, or an executor, administrator, or other person authorized by law to administer the personal estate of a farmer, provided proper evidence of the authority of such agent or fiduciary is presented; such evidence to be in accordance with ACP-16, "Instructions on Signatures and Authorizations." In case any payment would be made to two or more persons jointly, any assignment thereof must be executed by each such person.

3. In all cases Part I of Form ACP-69 must be executed in the office of the county agricultural conservation association at which application for the assigned payment will be made or at such places in the county and at such times as are designated by the county committee, except that for any county the State committee may determine that in the interest of proper administration all assignments must be executed in the county office.

C. Execution of Part I of Form ACP-69, Revised June 1941.—

1. Part I of Form ACP-69, Revised June 1941, shall be executed in accordance with the following instructions:

(a) In all cases Part I of Form ACP-69, Revised June 1941, must be executed in triplicate in the county office at which application for the assigned payment will be made or at such places in the county and at such times as are designated by the county committee, except that for any county the State committee may determine that in the interest of proper administration all assignments must be executed in the county office. Part I of Form ACP-69, Revised June 1941, must show in the spaces provided the following information:

(1) The State and county code numbers and the identifying serial number for the farm with respect to which the assignment is made, except that in the North Central and Western Regions the State and county code numbers shall be followed by the words "All farms."

(2) The names of the State and county in which the payment assigned is to be earned.

(3) In type or print the name of the assignor and his full mail address.

(4) The amount (both in words and figures) of the cash, or the cash value of the supplies or services, advanced by the assignee to the assignor or the amount thereof which is being advanced or is to be advanced by the assignee to the assignor pursuant to the written or oral contract or agreement between the assignor and assignee. Where separate assignments of payments for two or more farms are made as security for advances made to the assignor by the assignee pursuant to one contract or agreement, and it is impossible to know the exact amount of such advances to be used on each farm, the amount to be entered in Part I of each Form ACP-69, Revised June 1941, shall insofar as possible represent the advances to be used on the particular farm and the sum of the amounts entered in Part I of the Forms ACP-69 shall not exceed the total amount of the advances. Whether or not interest is to be charged on the amount advanced, the *actual* amount of the advance (or the cash value thereof) must be entered in the spaces provided.

Where advances made to finance the making of a crop in the current year are to be repaid in installments coming due in more than one year, the entire amount advanced may be secured by an assignment in the year in which the advances are made. However, an assignment may not be made to secure payment of any installment coming due in the current year where the advance was made in a prior year.

Where advances are made to a client of the Farm Security Administration from a joint bank account of the client and the Farm Security Administration such advances may be secured by an assignment.

Where interest is to be charged on the amount advanced the rate of interest and the date upon which the first advance secured by the assignment was made, or is to be made pursuant to the contract or agreement between

the assignor and the assignee, should be entered in the spaces provided. The rate of interest must not be in excess of the maximum rate lawfully chargeable under the law of the State.

(5) In type or print the name of the assignee and his full mail address.

(6) An assignment made by a natural person other than an absentee landlord or operator shall not be recognized by the United States unless it is made by the person himself. An assignment may be executed by a duly authorized officer of a corporation, firm, association, or other legal entity, by an agent of a non-resident landlord or operator specially authorized in writing, by a member of a partnership, or by an executor, administrator, guardian, trustee, or other person authorized by law or order of court to administer the personal estate of a farmer, provided proper evidence of the authority of such officer, agent, or fiduciary is presented, in accordance with ACP-16, "Instructions on Signatures and Authorizations" (hereinafter referred to as ACP-16). In case any payment would be made to two or more persons jointly, any assignment thereof must be executed by each such person.

(7) The place at which the assignment was executed and the date thereof.

(8) Part I of Form ACP-69, Revised June 1941, shall be signed by the assignor in the presence of a member of the county or community committee, or the treasurer or secretary of such committee, for the county or community in which the farm is deemed to be situated. In the case of an assignment of a payment under the Naval Stores Conservation Program the witness shall be a district supervisor or inspector of the United States Forest Service.

(b) **Duties and responsibilities of witness.**—Before Part I of Form ACP-69, Revised June 1941, is executed by the assignor, the person who witnesses the signing of Part I shall first determine that Part I of the Form ACP-69, Revised June 1941, is completely filled out; he shall then advise the assignor of the effect of the assignment, and shall question the assignor relative to the purpose of the assignment and satisfy himself that the advances secured thereby are for the purpose of financing the making of a current crop as defined in section A, Part I hereof, and that the advances have not been and will not be discounted by deducting interest in advance, by charging more than the current cash price for any supplies or service furnished, or in any other manner whatsoever. If such witness is so satisfied, he shall affix his signature in the space provided, immediately after Part I is signed by the assignor; otherwise the Form ACP-69, Revised June 1941, shall not be received for filing in the county office.

D. Number of assignments.—Not more than one assignment of a payment which may be made to a person shall be recognized by the United States: *Provided, That* in areas where the agricultural and range phases of the program were combined for 1942 for the first time one assignment covering the agricultural conservation payment and another assignment covering the range-building practice payment may be recognized for 1942, each to the extent of the payment under the phase of the combined program to which the unpaid advances under the assignment related. The assignee may release an assignment previously filed by executing and filing Part III of Form ACP-69, Revised June 1941, and a new assignment may be executed and filed either in favor of the original assignee or another. Any released assignment must remain on file in the office of the county agricultural conservation association.

IV. REPRESENTATION OF ASSIGNEE AND RELEASE OF ASSIGNMENT

A. Representations of assignee.—An assignment shall not be recognized by the United States unless and until the assignee by executing and filing Part II of Form ACP-69, Revised June 1941, agrees to the representations set forth therein.

B. Execution of Part II of Form ACP-69.—1. When the indebtedness in respect of which an assignment was given is not fully paid or otherwise discharged at the time the assignor makes application to the United States for payment, Part II of Form ACP-69, Revised June 1941, must show the following information:

(a) In type or print the name of the assignor and his full mail address.

(b) Separately each amount of the advances secured by the assignment furnished to the assignor in the form of cash, fertilizer, seed, farm implements, workstock, clothing, and groceries, and the kind and amount of any other advances secured by the assignment. Where Part II of the Form ACP-69, Revised June 1941, indicates, or where the county committee finds, that the assignment was given to secure advances all or any part of which were not to finance the making of a crop as defined in section A, Part I hereof, the assignment shall not be recognized unless corrected as provided in Part V hereof. The aggregate amount of the advances made may be less than the amount shown in Part I of Form ACP-69, Revised June 1941, but in no case shall such aggregate amount (excluding interest not in excess of the amount which properly may be included under the assignment) shown in Part II exceed the amount in Part I.

(c) That part of the aggregate amount (in both words and figures) of the debt owing by the assignor which is secured by the assignment and which remains unpaid or undischarged at the time Part II of Form ACP-69, Revised June 1941, is executed. Where separate assignments of the payment for two or more farms have been made as security for advances made to the assignor by the assignee pursuant to one contract or agreement the sum of the amounts shown in Part II of the assignments, as remaining unpaid or undischarged, shall not exceed the total amount of the advances made pursuant to the contract or agreement which remain unpaid or undischarged. The amount entered in Part II shall include accrued interest if interest is specified in Part I of ACP-69, Revised June 1941, and may include accrued interest if interest is not specified in Part I, provided that under the contract or agreement between the assignor and the assignee interest is to be charged on the debt. If this amount includes any accrued interest, the amount of the accrued interest, the rate of interest per annum, and the beginning and closing dates of the interest period must be shown. Any interest included in the amount shown as unpaid or undischarged must have been computed at a rate not in excess of that specified in Part I of Form ACP-69, Revised June 1941, or, if interest is not specified in Part I, at the rate provided for in the contract or agreement between the assignor and the assignee, and for a period not exceeding that during which the amount advanced remained unpaid. The rate of interest shall not exceed the maximum rate lawfully chargeable under the law of the State. The beginning date of the interest period must not precede the date specified in Part I of the assignment or, if interest is not specified in Part I, the date on which the advance was made. Where the advances are made on more than one date, the average of such dates shall be entered as the beginning date of the interest period. In no event may the interest period extend beyond the date on which Part II of the form is executed.

(d) The place at which Part II of Form ACP-69, Revised June 1941, was executed and the date of execution of Part II.

2. Part II of Form ACP-69, Revised June 1941, must be signed by the assignee, witnessed by a disinterested person,¹ and filed, in the county office in which the related assignment is filed, at the time or immediately prior to the time the application for payment is signed by the assignor. If at the time the application for the payment assigned is being prepared, a Part II or Part III of Form ACP-69, Revised June 1941, is not on file in the county office, written notice to that effect shall be mailed to the assignee by the county committee. If after such notice is given Part II or Part III of Form ACP-69, Revised June 1941, is not filed by the assignee within 10 calendar days

¹ It is not required that the witness to the signature of the assignee in Part II or Part III of Form ACP-69, Revised June 1941, be a county or community committeeman or the secretary or treasurer of the committee. Any disinterested person may witness the signature of the assignee in either Part II or Part III of Form ACP-69, Revised June 1941.

or such longer time as the Regional Director fixes generally as a reasonable time the assignor, if he so desires, may file application for the payment in question and such payment shall be made to the assignor without regard to the assignment. In case of the death, incompetency, insolvency, or bankruptcy of the assignee, Part II must be executed by the person or persons entitled by law to receive and administer the personal estate of the assignee. In case of the death or incompetency of the assignee the person or persons who execute Part II shall attach thereto a properly executed Standard Form No. 1055, "Application for Payment of Amounts Due Deceased or Incompetent Civilian Employee, Officers and Enlisted Men in the Military Service, and Public Creditors of the United States", with paragraph 1 and the applicable paragraph 5 of paragraphs 6 (a), (f), (g), (h), and (j) filled in as evidence of such person's or persons' right to receive payment under the assignment. Whenever Part II is executed by a person or persons acting on behalf of the assignee in a representative capacity or by operation of law, proper evidence of the authority of such person or persons must be presented, in accordance with ACP-16.

3. Part II of Form ACP-69, Revised June 1941, may be executed on the same Form ACP-69, Revised June 1941, bearing the execution of Part I thereof, which has been filed in the county office, or on a separate Form ACP-69, Revised June 1941, provided it is accurately identified by means of the State and county code numbers and the farm serial number of the assignment to which it relates. Part II of Form ACP-69, Revised June 1941, shall be used if Part I of the assignment was executed on Form ACP-69. Where it is necessary to mail Part II or Part III to the assignee for execution, the original Part I filed in the county office by the assignor shall be retained therein and the applicable data therefrom typed on a blank form out of a set of Form ACP-69, Revised June 1941, and this copy should be mailed to the assignee for execution of Part II or Part III, whichever is applicable. If Part II is executed on a separate Form ACP-69, Revised June 1941, it shall be securely attached to the related Form ACP-69, or ACP-69, Revised June 1941, on which Part I is executed.

C. Release of assignment.—When the indebtedness in respect of which an assignment was given is fully paid or otherwise discharged prior to the time the assignor signs the application to the United States for payment, the assignee shall forthwith execute Part III of Form ACP-69, Revised June 1941, and file it in the county office. Every assignment so released shall remain on file in the county office. Part III must be signed by the assignee in the presence of a disinterested witness,² and in the spaces provided must show in type or print the name of the assignor and his full mail address and must show the place and date of its execution. In the event of the death, incompetency, insolvency, or bankruptcy of the assignee, Part III must be executed by the person or persons entitled by law to receive and administer the personal estate of the assignee. Whenever Part III is executed by a person or persons acting on behalf of the assignee in a representative capacity or by operation of law, proper evidence of the authority of such person or persons must be pre-

² See page 6.

sented, in accordance with ACP-16. Part III may be executed on the same Form ACP-69, Revised June 1941, bearing the execution of Part I thereof which has been filed in the county office, or on a separate Form ACP-69, Revised June 1941, provided it is accurately identified by means of the State and county code numbers and the farm serial number of the assignment to which it relates.

D. Proof that indebtedness has been repaid or otherwise discharged.—If the assignor represents to the county committee that the indebtedness secured by an assignment has been fully paid or otherwise discharged but that the assignee fails or refuses to execute Part III of Form ACP-69, Revised June 1941, the county committee shall mail to the assignee as soon as practicable notice of the representations made by the assignor. If, after investigation and reasonable opportunity for the assignee to be heard, the county committee finds from the evidence presented that the indebtedness in fact has been fully paid or otherwise discharged, there shall be attached to the assignment a written statement to that effect, signed by at least two members of the committee, and the county committee shall mail written notice of such finding to the assignee and to the assignor and thereafter such assignment shall, so far as concerns the United States, be treated as void and of no effect.

V. FILING AND PRIORITY

A. Time and manner of filing assignments.—An assignment shall not be recognized by the United States unless (1) Part I of Form ACP-69, Revised June 1941, is executed and is filed in the county office on or prior to the closing date set by the appropriate Regional Director of the Agricultural Adjustment Agency, or prior to the time the assignor signs the application for the payment assigned, whichever is earlier, and (2) Part II of Form ACP-69, Revised June 1941, is executed and is filed in the county office prior to the time such application is signed by the assignor. At the time Part I of Form ACP-69, Revised June 1941, is witnessed, the witness shall immediately deliver to the assignor the second copy of the Form ACP-69, Revised June 1941, and the witness shall deposit in or mail to the county office the original and first copy thereof. The original thereof must be placed in and remain in the files of the county office, and the first copy thereof shall be delivered or mailed to the assignee by the county office. In the case of the Naval Stores Conservation Program, "county office" as used in these regulations means the Regional Office of the United States Forest Service, Atlanta, Georgia, or the office of the appropriate district supervisor of the Forest Service at Jacksonville or Pensacola, Florida, or Savannah, Georgia.

B. Date of filing.—Part I of Form ACP-69, Revised June 1941, shall be considered to have been filed in the county office on the date such part is executed. The county office shall enter on Part II or III of each Form ACP-69, Revised June 1941, the date on which such executed part of Form ACP-69, Revised June 1941, was received in the county office and such date shall be considered to be the date on which the Part II or Part III was filed.

C. Priority.—In case more than one assignment of the same payment is made, the valid assignment first filed in the county office shall be recognized by the United States.

VI. MISCELLANEOUS

A. Effect of assignment.—An assignment shall not become effective insofar as the United States is concerned until application for payment is made by the assignor, his heirs, or a fiduciary who by virtue of his office succeeds to the right of the assignor to make such application, and it is administratively determined that such payment is to be made. Any assignment made shall be subject to the provisions of the program under which the payment is made and to the right of counterclaim, recoupment, or set-off to which the United States is entitled as provided in the regulations or orders issued by the Secretary of Agriculture, on account of the assignor's indebtedness to the Agricultural Adjustment Agency, Commodity Credit Corporation, or Federal Crop Insurance Corporation. An assignment shall not be recognized by the United States if, at the time Part I thereof is filed in the office of the county agricultural conservation association there has previously been filed in that office notice that any other agency of the United States, in accordance with the Revised Order Governing Set-Offs, as supplemented, approved by the Secretary of Agriculture, has requested that a set-off be made against the assignor's payment.

B. Liability of the Secretary or disbursing agents.—Neither the Secretary of Agriculture nor any disbursing agent shall be liable in any suit if payment is made to the assignor without regard to the existence of any assignment and nothing contained herein shall be construed to authorize any suit against the Secretary of Agriculture or any disbursing agent if payment is not made to the assignee or if payment is made to only one of several assignees.

C. Corrections.—A timely filed assignment under the 1938 or subsequent agricultural conservation programs which is not in accordance with these instructions may be corrected at any time if the county committee finds that the assignee and the assignor in good faith endeavored to execute and file a properly executed assignment. Such corrections may be made by the county committee which shall determine and enter in Part I or Part II, or both, the correct data and a member of the county committee shall initial and date each such correction. Where payment has been made under an assignment which is subsequently corrected, the overpayment, if any, shall be determined on the basis of the corrected assignment. The person to whom payment was made under the incorrect assignment shall be required to refund to the AAA any amount of the overpayment thereunder for which he does not show, by evidence satisfactory to the county committee (1) that he has paid over to the assignor, or (2) that the assignor has received the benefit of under advances which properly could have been secured by the corrected assignment. The overpayment recovered by the AAA which has not been disbursed under instructions heretofore in effect shall be disbursed in accordance with the corrected assignment.

D. Misrepresentations.—If the county agricultural conservation committee shall find or have reason to believe that any material misrepresentation was made by the assignor or the assignee, or both, in executing either Part I or Part II of Form ACP-69, the county committee shall forthwith give notice thereof to the assignor and the assignee and request them to show affirmatively whether or not

any material fact was misrepresented in the execution of Part I or Part II of Form ACP-69. If, after investigation and opportunity for the assignor and assignee to be heard, the county agricultural conservation committee finds that any material misrepresentation was in fact made, there shall be attached to the assignment a written statement to that effect signed by the members of the committee and the county committee shall notify the assignor and the assignee of such finding, and thereafter, such assignment, insofar as concerns the United States, shall be treated as being void and of no effect. If a person, who under Paragraph A, Part II, as revised in I above, is eligible to assign his payment only to the Farm Security Administration, assigns his payment to some other person and files Part I of ACP-69 in the office of the county agricultural conservation committee, such assignment, insofar as concerns the United States shall be treated as being void and of no effect if the county agricultural conservation committee discovers such invalid assignment before a United States Treasury check drawn in favor of the assignee pursuant to such assignment is delivered to him.

E. Effective time.—Assignments of payments which may be made to farmers under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, shall first be effective with respect to farming operations carried out in the calendar year 1938.

F. Other agricultural programs.—Payments which may be made to farmers under the Agricultural Conservation Program or the Range Conservation Program may be assigned and may be recognized by the United States in accordance with the conditions set forth herein but no provision is made for the recognition of any assignments of payments which may be made pursuant to the 1937 Cotton Price Adjustment Payment Plan, the Sugar Act of 1937, or programs other than those formulated under section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

G. Forms ACP-69 available at county offices.—A farmer who desires to assign payments which may be made to him under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, may secure copies of Form ACP-69 at the office of the county agricultural conservation association. Copies of Form ACP-69 will not be furnished to persons who intend to advance cash, supplies, or services to farmers. However, any person desiring to advance cash, supplies, or services to farmers may secure sample copies of Form ACP-69 at the office of the county agricultural conservation association.

VII. CORRECTION OF ASSIGNMENT

A. Assignments subject to correction.—Wherever the county committee finds (1) that the Part II of Form ACP-69 as originally filed does not reflect all payments made on the debt secured by the assignment prior to the date on which such Part II was executed, or (2) that the established credit price was charged for advances secured by the assignment and an additional charge for interest was included in the amount entered in the Part II of Form ACP-69 as originally filed by the assignee, or (3) that the assignment was discounted and an additional charge for interest was included in the amount entered in the Part II of Form ACP-69 as originally filed by the assignee, or (4) that interest at a rate in excess of the maximum rate per annum law-

fully chargeable under the law of the State has been included in the Part II of Form ACP-69, the assignment is not subject to correction and shall not be recognized.

Notwithstanding any foregoing provision of these instructions, wherever the county committee finds (1) that the assignor and assignee in good faith endeavored to execute and file on Form ACP-69 a properly executed assignment of a payment under the 1941 Agricultural Conservation Program, (2) that the assignment so tendered fails to meet the requirements of subsection 1, Section B, Part III, or Part IV, or both, and (3) that such assignment was timely filed, the county committee shall allow the correction of the assignment:

1. Where the established credit price was charged for advances secured by the assignment but no charge for interest (in addition to that already reflected in the credit price) was included in Part II of Form ACP-69, the assignment may be corrected provided the assignee reduces the sales price of the supplies to the cash price as of the date of the sale with interest not in excess of the lawful rate per annum from such date to the date of the execution of the new Part II and so corrects his records.

2. Where interest was deducted in advance but no additional charge for interest was included in the amount entered in Part II of Form ACP-69, the assignment may be corrected provided the assignee reduces the debt to the amount of the cash actually advanced plus interest at not to exceed the lawful rate per annum from the date of such advance to the date of the execution of the new Part II and so corrects his records.

3. Where the assignment covers one or more ineligible items, such as but not limited to pre-existing indebtedness or rent, the amounts entered in Part I and Part II of Form ACP-69 may be corrected so as to eliminate such ineligible items.

B. Manner in which Forms ACP-69 are to be corrected.—1. If the assignment is defective in that Part I of Form ACP-69 does not name as assignee the person who actually made the advances sought to be secured by the assignment, the assignment may be corrected by the filing by the assignor of a correctly executed Part I and by the filing by the true assignee of a properly executed Part II of Form ACP-69, provided a defect not subject to correction under section A of this Part VII does not exist in the assignment.

2. If the assignment is defective in that Part I has been executed for an amount in excess of that permissible under subsection 1, section B, Part III, but the assignment is subject to correction under section A of this Part VII, the county committee may correct Part I of the Form ACP-69 to reflect the correct entries as determined by the county committee in accordance with said section A provided a member of the county committee initials each such correction.

3. If the assignment is defective in that Part II has been executed for an amount in excess of that permissible under section B, Part IV, but the assignment is subject to correction under section A of this Part VII, the county committee may correct Part II of the Form ACP-69 to reflect the correct entries as determined by the county committee in accordance with said section A provided a member of the county committee initials each such correction, or the assignee may correct Part II by filing a properly executed Part II.

4. Where the county committee makes a correction in Part I of a Form ACP-69, written notice of such correction shall be sent to the assignor, and where the county committee makes a correction in Part II of a Form ACP-69 written notice of such correction shall be sent to the assignee, unless the assignor or assignee, as the case

may be, is present when the correction is made and approves the correction by initialing it. If no objection to any such correction is filed in writing with the county committee by the assignor or the assignee, as the case may be, within 7 calendar days after written notice of such correction is sent out by or on behalf of the county committee, the correction shall be considered as approved by the assignor or assignee, as the case may be.

C. Where payment has been made.—Where payment has been made under an incorrectly executed assignment which is subject to correction under section A of this Part VII, a correctly prepared Part I or Part II, or both Part I and Part II, of Form ACP-69 may be executed by the assignor or the assignee, whichever is applicable, and may be filed with the county committee. If the county committee finds such corrected form to be proper in all respects, the form shall be attached to the original Part I or Part II, as the case may be, and thereupon shall become the official form.

Where such a correctly executed assignment is filed, the overpayment, if any, shall be determined on the basis of the corrected assignment, and when recovered by the Agricultural Adjustment Agency the amount of such overpayment shall be paid to the assignee and to the assignor in accordance with their rights under the corrected assignment.

D. The provisions of this Part VII shall be applied in any State or county where the Regional Director finds that assignments have been tendered in good faith which should be corrected in fairness to assignors and to assignees and that the application of this amendment will cause less administrative expense than the application of the provisions of these regulations other than those contained in this Part VII.

Issued with the approval of the Chief, Agricultural Adjustment Agency, this 13th day of September, 1943.